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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,680	11/14/2003	Joy Mangano	380-117	2874
7590	10/20/2005		EXAMINER	
Galgano & Burke 300 Rabro Drive, Suite 35 Hauppauge, NY 11788			NELSON, JAMES T	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,680

Applicant(s)

MANGANO, JOY

Examiner

James T. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/14/2003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daenen (U.S. Patent 4,216,862), in view of Daugherty (U.S. Patent 4,441,487).

Regarding claim 1: In Fig. 5, Daenen shows a storage device capable of being used as a nail polishing stand and storage cabinet, comprising a base (10) and a cover (14) hingedly coupled to the base (10). Daenen lacks a hand rest rotatably coupled to the base. In Fig. 3, Daugherty teaches a hand rest (4). It would have been obvious to one skilled in the art at the time of invention to rotatably couple the hand rest of Daugherty to the base of Daenen in order to provide an adjustable place for one to rest their hand.

Regarding claim 2: As applied to claim 1, Daenen lacks a substantially semispherical hand rest with five spaced apart grooves. In Fig. 3, Daugherty teaches a substantially semispherical hand rest (4) with five spaced apart grooves (4a, 4b). It would have been obvious to one skilled in the art at the time of invention to incorporate the semispherical hand rest with five spaced apart grooves of Daugherty into the nail polishing stand and storage cabinet of Daenen in order to provide a comfortable place to rest one's hand.

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Regarding claims 4 and 5: In Fig. 5, Daenen shows a cover (14) configured to function as a soaking tray in order to hold liquids associated with nail polishing. In Fig. 7, Daenen shows a cover (14) that is removable from the base (10).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daenen (U.S. Patent 4,216,862), in view of Daugherty (U.S. Patent 4,441,487), and further in view of Swinford (U.S. Patent 1,536,985). In Fig. 5, Daenen shows a storage device capable of being used as a nail polishing stand and storage cabinet, comprising a base (10) and a cover (14) hingedly coupled to the base (10) according to claim 1, but lacks a rotatable hand rest with means for releasably locking the hand rest in a plurality of fixed positions relative to the base. In Fig. 3, Daugherty teaches a hand rest (4). In Fig. 4, Swinford teaches means for releasably locking (17, 21) the hand rest (26) in a plurality of fixed positions relative to the base (14). It would have been obvious to one skilled in the art at the time of invention to use the means for releasably locking in a plurality fixed positions of Swinford to rotatably couple the hand rest of Daugherty to the base of Daenen in order to provide an adjustable place for one to rest their hand.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (U.S. Patent 1,512,799), in view of Daugherty (U.S. Patent 4,441,487).

Regarding claim 6: In Fig. 4, Reid shows a storage device capable of being used as a nail polishing stand and storage cabinet, comprising: a base (10) having a storage compartment (13). Reid lacks a hand rest rotatably coupled to the base. In Fig. 3, Daugherty teaches a hand rest (4). It would have been obvious to one skilled in the art at the time of invention to

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rotatably couple the hand rest of Daugherty to the base of Reid in order to provide an adjustable place for one to rest their hand.

Regarding claim 7: As applied to claim 6 above, Reid lacks a hand rest with five spaced apart grooves. In Fig. 3, Daugherty shows a hand rest (4) with five spaced apart grooves (4a, 4b).

It would have been obvious to one skilled in the art at the time of invention to incorporate the hand rest with five spaced apart grooves of Daugherty into the nail polishing stand and storage device of Reid in order to improve the comfort of the hand rest.

Regarding claim 8: As applied to claim 6 above, Reid lacks a substantially dome shaped hand rest. In Fig. 3, Daugherty shows a substantially dome shaped hand rest (4). It would have been obvious to one skilled in the art at the time of invention to incorporate the substantially dome shaped hand rest of Daugherty into the storage device of Reid, as modified by Daugherty, in order to improve the comfort of the hand rest.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (U.S. Patent 1,512,799), in view of Daugherty (U.S. Patent 4,441,487), and further in view of Swinford (U.S. Patent 1,536,985). In Fig. 4, Reid, as modified by Daugherty, shows a storage device capable of being used as a nail polishing stand and storage cabinet, as applied to claim 6, but lacks means for releasably locking the hand rest in a plurality of fixed positions relative to the base. In Fig. 4, Swinford teaches means for releasably locking (17, 21) a hand rest in a plurality of fixed positions relative to the base (14). It would have been obvious to one skilled in the art at the time of invention to combine the means for releasably locking a hand rest in a plurality fixed positions of Swinford with the storage device of Reid, as modified by Daugherty, in order to releasably lock the hand rest in a plurality fixed positions.

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6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (U.S. Patent 1,512,799), in view of Daugherty (U.S. Patent 4,441,487), and further in view of Daenen (U.S. Patent 4,216,862).

Regarding claim 10: In Fig. 4, Reid shows a storage device capable of being used as a nail polishing stand and storage cabinet, comprising: a base (10) having a storage compartment (13), but lacks a hand rest coupled to the base and a cover coupled to the base, wherein the cover is configured to function as a soaking tray. In Fig. 3, Daugherty teaches a hand rest (4). In Fig. 5, Daenen teaches a cover (14) coupled to the base (10), wherein the cover (14) is configured to function as a soaking tray. It would have been obvious to one skilled in the art at the time of invention to combine the base having a storage compartment of Reid with the hand rest of Daugherty and the cover of Daenen in order to provide a place for one to rest their hand, and a cover for the storage device.

Regarding claim 11: As applied to claim 10, Reid, as modified by Daugherty, lacks a cover removably coupled to the base. In Fig. 3, Daenen teaches a cover (14) removably coupled to a base (10). It would have been obvious to one skilled in the art at the time of invention to modify the base of Reid, as modified by Daugherty with the removable cover of Daenen in order to allow the cover to be removed from the base.

Regarding claim 12: As applied to claim 10, Reid, as modified by Daugherty, lacks a cover hingedly coupled to the base. In Fig. 3, Daenen teaches a cover (14) hingedly coupled to a base (10). It would have been obvious to one skilled in the art at the time of invention to use the hingedly coupled cover of Daenen with the base of Reid, as modified by Daugherty, in order to provide a hinged the cover for the storage device.

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7. Claims 13-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (U.S. Patent 1,512,799), in view of Daugherty (U.S. Patent 4,441,487).

Regarding claim 13: In Fig. 4, Reid shows a storage device capable of being used as a nail polishing stand and storage cabinet comprising a base (10) and a storage compartment (13), but lacks a hand rest coupled to the base, wherein said hand rest is substantially dome shaped with a plurality of spaced apart grooves. In Fig. 3, Daugherty teaches a substantially dome shaped hand rest (4) with a plurality of spaced apart grooves (4a, 4b). It would have been obvious to one skilled in the art at the time of invention to couple the hand rest of Daugherty to the base of Reid in order to provide a place for one to rest their hand.

Regarding claim 14: As applied to claim 13, Reid lacks a substantially dome shaped hand rest with five spaced apart grooves. In Fig. 3, Daugherty teaches a substantially dome shaped hand rest (4) with five spaced apart grooves (4a, 4b). It would have been obvious to one skilled in the art at the time of invention to combine the hand rest with five spaced apart grooves of Daugherty with the storage device of Reid in order to provide a place for one to rest their hand.

Regarding claim 15: As applied to claim 13, Reid lacks a hand rest rotatably coupled to the base. In Fig. 3, Daugherty teaches a substantially dome shaped hand rest (4) with a plurality of spaced apart grooves (4a, 4b). It would have been obvious to one skilled in the art at the time of invention to rotatably couple the hand rest of Daugherty with the base of Reid in order to provide an adjustable place for one to rest their hand.

Regarding claim 17: In Fig. 4, Reid teaches a base (10) with at least one drawer (13) for necessary articles.

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8. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (U.S. Patent 1,512,799), in view of Daugherty (U.S. Patent 4,441,487), and further in view of Swinford (U.S. Patent 1,536,985).

Regarding claim 16: In Fig. 4, Reid, as modified by Daugherty, shows a storage device capable of being used as a nail polishing stand and storage cabinet according to claim 15, but lacks means for releasably locking the hand rest in a plurality of fixed positions relative to the base. In Fig. 4, Swinford shows means for releasably locking the hand rest (17, 21) in a plurality of fixed positions relative to the base. It would have been obvious to one skilled in the art at the time of invention to use the locking means of Swinford with the base of Reid, as modified by Daugherty, in order to releasably lock the hand rest in a plurality of positions.

Regarding claim 18: As applied to claim 16, Reid, as modified by Daugherty, lacks a plurality of opposing, normally intermeshing teeth wherein the hand rest is mounted on the base in a spring-loaded manner, to permit, via depression of the hand rest disengagement of said teeth and rotation of the hand rest to a different rotatable position. In Fig. 4, Swinford shows a plurality of opposing, normally intermeshing teeth (17, 21) wherein the hand rest (26) is mounted on the base (14) in a spring-loaded manner (24), to permit, via depression of the hand rest (26) disengagement of said teeth (17, 21) and rotation of the hand rest (26) to a different rotatable position. It would have been obvious to one skilled in the art at the time of invention to modify the storage device of Reid, as modified by Daugherty, with the intermeshing teeth, and spring-loaded manner of Swinford in order to releasably lock the hand rest in a plurality of positions.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Borst, Gautier, Francois, James, McPharlin, Webster, Becker, Brasier, Traub, Paxson, Bagwell, Fujita, Wachs, Leahy, Tamoschat, Hansen, Rasor, Warburton, Hussell, Wells, Cautereels, Armstrong, Huang, Fuller, Bartlett, Keyser, Hartsock, Steele, Massengale, and Drain all show aspects of the current invention.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James T. Nelson whose telephone number is (571) 272-1491. The examiner can normally be reached M-F 8:00am - 4:30pm.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTN
10/13/2005

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